

AUG 04 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JORGE LEON-FLORES,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-71660

Agency No. A076-659-591

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 29, 2009^{**}

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Jorge Leon-Flores, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order summarily affirming an immigration judge's decision denying his application for cancellation of removal.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

Leon-Flores's brief before the BIA challenged only whether the filing date of his application rendered him ineligible for cancellation of removal. He did not raise this issue before this court, and his remaining claims were not exhausted. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (explaining that this court lacks jurisdiction to review contentions not raised before the agency). Leon-Flores's contention that his due process claim is not subject to the exhaustion requirement because the alleged violation deprived him of a full hearing is not persuasive. *See id.* (requiring exhaustion of due process claims concerning the denial of opportunity to speak at hearing).

To the extent that Leon-Flores challenges 8 U.S.C. §1101(f)(7) as unconstitutionally over broad, the contention is not persuasive.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.